

REMARKS

Claims 1-17 and 19-22 are pending in this application. In response to the Restriction Requirement, Applicants elect the claims of Group I (claims 1-17 and 19) for examination. Unelected claims 20-22 (Group II) are withdrawn from consideration. Applicants reserve the right to prosecute the withdrawn claims in one or more divisional applications.

Request for Withdrawal of Restriction Requirement

In addition, Applicants make this claim election with traverse and respectfully request that the Examiner withdraw the Restriction Requirement so that Groups I and II are examined together. The claims in both groups are drawn to medical implants comprising bucky paper. As such, a search of Group I would be coextensive with or at least substantially overlap with a search of the subject matter of Group II. Furthermore, the Examiner has classified both groups in the same class 424 and subclass 423+. Thus, a search of the class and subclass for Group II can be carried out at the same time as for Group I. For these reasons, it cannot be said that examining both Groups I and II together would be an undue burden. The MPEP § 803 states:

If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions.

Request for Expedient Examination

It is the policy of the Office to conduct examination of applications under the principles of “compact prosecution.” The MPEP § 2106(II) states:

Under the principles of compact prosecution . . . USPTO personnel should state all reasons and bases for rejecting claims in the first Office action. Deficiencies should be explained clearly, particularly when they serve as a basis for a rejection. Whenever practicable, USPTO personnel should indicate how rejections may be overcome and how problems may be resolved. A failure to follow this approach can lead to unnecessary delays in the prosecution of the application.”

In accordance with this “compact prosecution” policy, the MPEP § 707.07(g) states that “[p]iecemeal examination should be avoided as much as possible.”

Applicants have already overcome the rejections and put this application in condition for allowance after the prior Office Action of January 11, 2008 deemed a number of claims to be allowable. Applicants respectfully request that unnecessary delays in the prosecution of this application be avoided, as is the stated policy of the Office.

CONCLUSION

Applicants respectfully submit that the present application is in condition for allowance. The Examiner is invited to contact Applicants' representative to discuss any issue that would expedite allowance of this application.

The Commissioner is authorized to charge all required fees, fees under § 1.17, or all required extension of time fees, or to credit any overpayment to Deposit Account No. 11-0600 (Kenyon & Kenyon LLP).

Respectfully submitted,

/Steven S. Yu/

Steven S. Yu (Reg. No. 58,776)

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KENYON & KENYON LLP
1500 K Street, N.W., Suite 700
Washington, DC 20005
Tel: (202) 220-4200
Fax: (202) 220-4201